SERVED: June 4, 2004

NTSB Order No. EA-5096

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24) on the 4th day of June, 2004

MARION C. BLAKEY, Administrator, Federal Aviation Administration,

Complainant,

v.

BRUCE R. COUILLARD,

Respondent.

Docket SE-16972

ORDER DISMISSING APPEAL

On February 3, 2004, respondent, through counsel, filed a notice of appeal from a February 2, 2004 oral initial decision of Administrative Law Judge William E. Fowler, Jr., affirming the Administrator's emergency order of revocation. However, respondent did not subsequently file a timely appeal brief, and his appeal is therefore subject to dismissal under section

¹The Administrator's complaint sought emergency revocation of respondent's Commercial Pilot Certificate Number 1211056, Flight Instructor Certificate Number 1211056, and Second-Class Medical Certificate Number 0283243, under sections 67.403(a)(1) and 67.403(c)(1) of the Federal Aviation Regulations, 14 C.F.R. Part 67.

²Respondent's appeal brief was due on March 23, 2004.

821.48(a) of the Board's Rules of Practice. See 49 CFR Part 821.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

Ronald S. Battocchi General Counsel

³Section 821.48(a) provides, in relevant part, as follows:

^{§ 821.48} Briefs and oral argument.

⁽a) Appeal briefs...Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.